

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUN 16 2020

Clerk, U S District Court
District Of Montana
Billings

MORRIS DUANE BUCKLES, on
behalf of himself and all others
similarly situated,

Plaintiff,

vs.

HEIDI CROWE, TERRIE STEFALO,
LAURIE MILLS, HARLAN
TROMBLEY, MONTANA STATE
PRISON, MONTANA
DEPARTMENT OF CORRECTIONS,
ANGELA MACIOROSKI, and TOM
GREEN,

Defendants.

CV 18-84-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on May 27, 2020. (Doc. 50). The Magistrate recommended the Court grant in part and deny in part the Defendants' motions to dismiss the amended complaint. (Doc. 50 at 1-2.).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 50) are ADOPTED IN FULL.

IT IS FURTHER ORDERED:

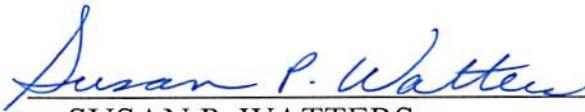
1. The Defendants’ Motions to Dismiss (Docs. 31, 33) are GRANTED to the extent that:

- (a) all claims for injunctive and declaratory relief are DISMISSED;
 - (b) all RLUIPA claims are DISMISSED;
 - (c) Mr. Buckles’s request for class certification is DENIED;
 - (d) Defendants Montana Department of Corrections and Montana State Prison are DISMISSED;
 - (e) the State of Montana is substituted for the individual State Defendants under Mr. Buckles’ state law claims set forth in Count 4 of the Amended Complaint.
2. The County Defendants’ Motion to Dismiss (Doc. 33) is DENIED as to their claim of qualified immunity.

3. Mr. Buckles's Section 1983 claims for violations of the First Amendment and Equal Protection Clause as alleged in Counts 1 and 2 of the Amended Complaint are allowed to proceed against Defendants Crowe, Stefalo, Mills, Trombley, Macioroski, and Green.

4. Mr. Buckles's Montana Constitutional Claims as alleged in Count 4 are allowed to proceed against Defendants State of Montana, Macioroski, and Green.

DATED this 16th day of June, 2020.



SUSAN P. WATTERS
United States District Judge